

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 PM-03 INR-07 L-02 ACDA-05

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INFO USMISSION USUN

USMISSION USNATO

AMEMBASSY LONDON

AMEMBASSY ROME

AMEMBASSY PARIS

AMEMBASSY BONN

AMEMBASSY ATHENS

AMEMBASSY ANKARA

USMISSION EC BRUSSELS

C O N F I D E N T I A L NICOSIA 0786

E.O. 11652: GDS

TAGS: PFOR CY TU NATO

SUBJ: FRANCE REPLIES TO TURKISH CYPRIOT NOTE ON PROPERTY AND
CLAIMS

REF: A) NICOSIA 0727; B) NICOSIA 0650; C) NICOSIA 0380

1. NATO AMBASSADORS RESIDENT IN NICOSIA (U.S., UK, FRANCE, FRG, ITALY) MET FEBRUARY 20 TO ASSESS SITUATION AND PROCEDURES TO BE FOLLOWED BY DIPLOMATIC MISSIONS IN LIGHT FEBRUARY 13 ANNOUNCEMENT OF FEDERATED TURKISH STATE OF CYPRUS (FTSC).

2. ALL AGREED THAT TURKISH ACTION HAD PRODUCED RESULT EXACTLY CONTRARY TO THAT DESIRED. INSTEAD OF PROMOTING THE TURKISH DRIVE FOR EQUAL STATUS FOR THEIR ADMINISTRATION, IT HAD COMPELLED ALL MAJOR GOVERNMENTS TO CONDEMN TURKISH UNILATERAL ACTION AND REITERATE SUPPORT OF MAKARIOS' GOVERNMENT.

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3. ALL PRESENT CONCURRED THAT WE SHOULD TAKE NO STEP WHICH WOULD GIVE FLAVOR OF RECOGNITION TO FTSC, SHOULD CONTINUE FOR AS LONG AS POSSIBLE TO DO BUSINESS WITH TURKISH CYPRIOT LEADERS, AND SHOULD SEEK TO PERSUADE GOC THAT THIS WAS IN ITS INTEREST. WE NOTED THAT WHILE FTSC HAD STATED IT NOT SEEKING RECOGNITION, IT MIGHT TRY TO WIN A MEASURE OF THIS IN OTHER WAYS, E.G. BY TRYING TO IMPOSE IDENTITY CARDS AS PRICE FOR CONTINUED FREEDOM OF MOVEMENT, AND CONCURRED THAT WE SHOULD STRONGLY RESIST ANY SUCH MOVE IF IT CAME. I INFORMED MY COLLEAGUES THAT, ABSENT SUCH A DEVELOPMENT, MAKARIOS HAD ISSUED INSTRUCTION THAT GOC AVOID ANY ACTION WHICH MIGHT GIVE FTSC PRETEXT FOR FURTHER PARTITIONIST MOVES, I.E. GOC WOULD NOT CONSIDER CONTINUED DIPLOMATIC CONTACT WITH DENKTASH AS UNFRIENDLY PROVIDED THAT COMMUNICATION WITH HIM WAS IN HIS CAPACITY AS CONSTITUTIONAL VICE PRESIDENT.

4. IN THIS REGARD, WE AGREED ON FRG TEST CASE WITH DENKTASH DESCRIBED REF A.

5. FRENCH AMBASSADOR CHAILLOUS TOLD US THAT GOF HAD OFFICIALLY REPLIED IN ANKARA TO TURKISH CYPRIOT JANUARY 25 "NOTE" ON PROPERTY AND CLAIMS (REFS B AND C). CHAILLOUS SUBSEQUENTLY PROVIDED TEXT GOF INSTRUCTIONS TO ITS AMBASSADORS IN ANKARA, TRANSLATION OF WHICH IS TRANSMITTED AT END OF THIS MESSAGE. TO FRENCH STATEMENT OF GOT RESPONSIBILITY FOR PROPERTY AND CLAIMS AS

"OCCUPYING POWER" UNDER 1907 HAGUE CONVENTION, GOT FONOFF HAD REPLIED THAT ITS SUMMER 1974 ACTIONS IN CYPRUS WERE THOSE OF "PEACE FORCE" NOT "OCCUPYING POWER" AND THAT RESPONSIBILITY FOR PROPERTY AND CLAIMS WAS THAT OF TURKISH CYPRIOT ADMINISTRATION.

6. COMMENT: WE ARE CONCERNED THAT USG POSITION MAY GO BY DEFAULT UNLESS WE SOON RESPOND, IN ANKARA, IN STRONG TERMS PERHAPS ALONG LINES OF FRENCH DEMARCHE. END COMMENT.

7. FOR THE REST, OUR COLLECTIVE ASSESSMENT WAS RATHER BLEAK. WE ALL DOUBTED THAT EVEN IF NEGOTIATIONS CONTINUED IN SOME FORM TURKEY WOULD BE WILLING TO GIVE ENOUGH TO ENABLE ANY GREEK TO SIGN. WE FORESAW VERY REAL POSSIBILITY OF RADICAL, FRUSTRATED GREEK CYPRIOTS TURNING TO GUERRILLA WARFARE, WITH INEVITABLE ATTENDANT STRONG TURKISH MILITARY REPRISAL.
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8. FOLLOWING IS TEXT OF GOF INSTRUCTION TO ITS AMBASSADOR IN ANKARA ON WHICH FRENCH DEMARCHE BASED (EMBASSY CLARIFICATION IN PARENTHESES).

BEGIN QUOTE:

1. THE GOVERNMENT OF FRANCE CANNOT ACCEPT THIS NOTE.

2. BY VIRTUE OF THE HAGUE CONVENTION OF 1907, THE OCCUPYING POWER WHICH ASSUMES DE FACTO LEGAL AUTHORITY MUST "REESTABLISH AND ASSURE IN SO FAR AS POSSIBLE ORDER AND PUBLIC SAFETY WHILE RESPECTING, SAVING ABSOLUTE INABILITY TO DO SO, THE LAWS IN EFFECT IN THE COUNTRY."

THE GOVERNMENT OF TURKEY IS THEREFORE RESPONSIBLE FOR THE RESTITUTION OF PROPERTIES AND POSSESSIONS (FRENCH: "BIENS") OR THE INDEMNIZATION OF LOSSES SUFFERED BY FRENCH CITIZENS SINCE 20 JULY 1974, THE DATE OF THE TURKISH INTERVENTION.

IN ADDITION, IT IS INADMISSIBLE THAT THESE PROPERTIES AND POSSESSIONS BE RETURNED "IN THE STATE IN WHICH THEY WERE FOUND AT THE TIME."

3. IF THE DEMARCHES CARRIED OUT ON THE SPOT (I.E. IN CYPRUS) BRING NO RESULT, THE GOVERNMENT OF FRANCE WILL REQUEST THE GOVERNMENT OF TURKEY TO ORDER ITS OCCUPATION FORCES TO AUTHORIZE FRENCH CITIZENS TO RETAKE POSSESSION OF THEIR PROPERTIES AND POSSESSIONS.

4. FRENCH RESIDENTS (OF CYPRUS) WILL RECEIVE INSTRUCTIONS TO FILE THEIR REQUESTS FOR INDEMNIFICATION WITH THE FRENCH DIPLOMATIC AUTHORITIES IN NICOSIA. THESE REQUESTS WILL BE TRANSMITTED TO PARIS WHICH WILL SEND THEM TO ANKARA FOR PRESENTATION TO THE TURKISH AUTHORITIES. END QUOTE.
CRAWFORD

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